

Paper No. 6 **COPY MAILED**

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JUL 27 2001

In re Application of
Keith
Application No. 09/802,169
Filed: March 8, 2001
Attorney Docket No. 0505-4012

DECISION GRANTING
PETITION

OFFICE OF PETITIONS
A/C PATENTS

This is a decision on the petition filed on May 21, 2001, which is being treated as a petition under 37 CFR 1.181, requesting that the imposition of a surcharge for late filing of a declaration be withdrawn.

The petition is GRANTED.

The application was filed on March 8, 2001. On April 17, 2001, the Initial Patent Examination Division (OICE) mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") stating that the oath or declaration was missing from the filed application, and that a \$65 surcharge for late filing of the oath or declaration must be submitted along with the oath or declaration. On April 27, 2001, Applicant responded to this Notice by advising the Office that a signed declaration had been filed with the application on March 8, 2001. On May 7, 2001, OICE mailed a Notice of Incomplete Reply indicating that the April 27, 2001 reply was incomplete for not having included the \$65 surcharge.

In response, the present petition is filed wherein Petitioner contends that a signed Declaration was filed on March 8, 2001 along with the remainder of the application. In support, Petitioner has supplied a copy of Applicant's postcard receipt which acknowledges receipt by the Office on March 8, 2001 of, *inter alia*, a signed Declaration. The petition is thus granted.

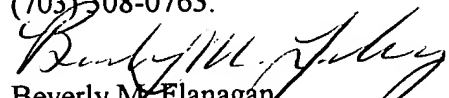
The Notices mailed on April 17, 2001 and May 7, 2001 are hereby withdrawn.

The \$65 surcharge paid with the present petition will be refunded. No petition fee is owed.

In addition, the Office acknowledges receipt on May 21, 2001 of 3 documents and the accompanying certificate of transmission for another invention under Application No. PCT/US01/10725. These documents (in duplicate) have been forwarded to the Office of Patent Cooperation Treaty (PCT) as requested.

The application is being returned to the Initial Patent Examination Division for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.


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for Patent Examination Policy